

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2013-120

Council Meeting Date: 03-11-2013

Date Adopted: 03-11-2013

TITLE: RESOLUTION APPROVING FINAL CLOSEOUT OF THE PROJECT
COMMONLY KNOWN AS "MUNICIPAL CENTER GENERATOR"

Councilperson Galluccio submitted the following resolution, which was duly seconded by Councilperson Muñoz.

WHEREAS, the Borough of New Providence awarded a contract to TSUJ Corporation for the project commonly known as "Municipal Center Generator", and

WHEREAS, the Engineering Department has determined that the project has been completed; and

WHEREAS, the Borough Engineer recommends the release of the final payment, in the amount of \$12,025.01

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of New Providence, County of Union and State of New Jersey that they hereby approve final payment in the amount of \$ \$12,025.01 to TSUJ Corporation, P.O. Box 4621, Wayne, N.J. 07474.

APPROVED, this 11th day of March, 2013.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GALLUCCIO	X			
GENNARO	X			
KAPNER	X			
LESNEWICH			X	
MUÑOZ	X			
ROBINSON	X			
HERN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 11th day of March, 2013.

Wendi B. Barry, Borough Clerk

MEMORANDUM

To: Doug Marvin, Borough Administrator

From: Andrew Hipolit, P.E., Borough Engineer 

CC: Wendi Barry, Borough Clerk (w/attachments)
Carl Woodward, Esq., Borough Attorney (w/attachments)
Mark Demareski, Assistant Borough Engineer
Keith Lynch, Construction Official
Jim Johnston, Public Work Manager

Dated: March 4, 2013

**RE: Resolution for Final Payment
Municipal Building Generator**

With reference to the above captioned project, I hereby transmit Application for Payment #6 in the amount of \$3,705.00 and #7 in the amount of \$8,320.01 for a total Final Payment in the amount of \$12,025.01 for approval through Resolution by the Mayor and Council.

TSUJ Corporation has completed the above captioned project and the work was accepted by the Construction Department on November 16, 2012. The Engineering Department has received the requested generator maintenance manual and final project closeout documents.

Final closeout documents for TSUJ Corporation are as follows:

1. Certificate of Approval
2. Final Payment
3. Application for Payment #6
4. Application for Payment #7
5. Project Change Order No. 1 and Final
6. Maintenance Bond valid for a period of 2 year from the date of acceptance
7. Affidavit
8. Release

Based on the work completed, I recommend that the Mayor and Council approve Final Payment in the total Final Payment in the amount of \$12,025.01 to TSUJ Corporation.

Attached are copies for your reference.

File: Capital Account #15--251-911-3-40027
Architectural Services / Generator

ATTACHMENT 1



New Providence
 New Providence Building Department
 360 Elkwood Avenue
 New Providence, NJ 07974

Date Issued 11/16/2012
 Control Number C-11-00979
 Permit Number 11-24263
 Permit Issue Date 11/15/2011
 Certificate Number 11-24263

Certificate
 Construction Code Division
 (Certificate of Approval)

Identification

Work Site Location: 360 ELKWOOD AVE NEW PROVIDENCE, NJ 07974 Block: 51 Lot: 1 Qual: _____
 Owner in Fee: BOROUGH OF NEW PROVIDENCE
 Owner Address: 360 ELKWOOD AVE NEW PROVIDENCE NJ 07974
 Telephone: (908) 665-1098
 Contractor TSUJ Corp
 Address Po Box 4621 Wayne NJ 07474
 Telephone: _____ Fax: _____
 License Number or Builders Registration Number: 14559 Federal Emp. Number: _____

Home Warranty Number: _____
 Type of Warranty Plan: State Private
 Use Group: B Construction Classification: Type V B
 Maximum Live Load: 0 Maximum Occupancy Load: 0
 Description of Work/Use: Generator

Certificate Comments:

- Certificate of Occupancy**
 This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.
- Certificate of Approval**
 This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.
- Certificate of Continued Occupancy**
 This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.
- Temporary Certificate of Compliance**
 The following conditions must be met no later than or the owner will be subject to fine or order to vacate:
 This certificate has an expiration date of:
Conditions to be met:

- Certificate of Clearance - Lead Abatement 5:17**
 This serves notice that based on written certification, lead abatement was performed as per NJAC5:17 to the following extent.
 - Total removal of lead-based paint hazards in scope of work
 - Partial or limited time period (_____ years), see file
- Certificate of Clearance - Asbestos Abatement**
 This serves notice that based on written certification, asbestos abatement was performed to the following extent.
 - Total removal of asbestos hazards in scope of work
 - Partial or limited time period (_____ years); see file
- Certificate of Compliance**
 This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until
- Temporary Certificate of Occupancy**
 The following conditions must be met no later than: or the owner will be subject to fine or order to vacate:
 This certificate has an expiration date of:
Conditions to be met:

 Construction Official

Fee: \$0.00
 Check Number: _____
 Collected By: _____

ATTACHMENT 2

FINAL PAYMENT

Municipal Building Generator

Contractor: TSUJ Corporation
 PO Box 4621
 Wayne, NJ 07474

Original Base Bid	=	\$169,900.00
Change Order #1	=	\$3,500.00
Change Order #2	=	(\$7,000.00)
		\$166,400.00

Owner: Borough of New Providence
 360 Elkwood Ave
 New Providence, NJ 07974

ITEM NO.	ALTERNATE BID A	UNITS	BID	ACTUAL	UNIT PRICE	TOTAL
1.	MOBILIZATION	LS	1	1	@ \$ 9,900	\$ 9,900.00
2.	CLEARING SITE	LS	1	1	@ \$ 5,000	\$ 5,000.00
3.	CONSTRUCTION LAYOUT	LS	1	1	@ \$ 3,000	\$ 3,000.00
4.	300 KV GENERATOR (Breakdown of \$140,000)					
	SHOP DRAWINGS	LS	1	1	@ \$ 7,200	\$ 7,200.00
	BOND, INSURANCE	LS	1	1	@ \$ 7,500	\$ 7,500.00
	GENERATOR MATERIAL	LS	1	1	@ \$ 62,235	\$ 62,235.00
	GENERATOR INSTALLATION	LS	1	1	@ \$ 2,000	\$ 2,000.00
	CONCRETE PAD CONSTRUCTION	LS	1	1	@ \$ 8,500	\$ 8,500.00
	2 ATS MATERIAL AND INSTALLATION	LS	1	1	@ \$ 12,000	\$ 12,000.00
	CONDUIT: MATERIAL & INSTALLATION	LS	1	1	@ \$ 4,500	\$ 4,500.00
	ELECTRICAL EQUIPMENT INSTALLATION	LS	1	1	@ \$ 8,500	\$ 8,500.00
	WIRES: MATERIAL AND INSTALLATION	LS	1	1	@ \$ 20,665	\$ 20,665.00
	RECONNECTION & START-UP	LS	1	1	@ \$ 3,000	\$ 3,000.00
	EXISTING GENERATOR MATERIAL	LS	1	1	@ \$ 1,000	\$ 1,000.00
	PUNCH LIST	LS	1	1	@ \$ 1,900	\$ 1,900.00
	PROJECT CLOSEOUT	LS	1	1	@ \$ 1,000	\$ 1,000.00
5.	UTILITY & PERMIT COORDINATION	LS	1	1	@ \$ 5,000	\$ 5,000.00
6.	TOPSOILING, 4" THICK	SY	50		@ \$ 50	\$ -
7.	FERTILIZING AND SEEDING, TYPE A-3	SY	50		@ \$ 50	\$ -
8.	STRAW MULCHING	SY	50		@ \$ 40	\$ -
CO1	CUSTOM PAINT COLOR	LS	0	1	@ \$ 3,500	\$ 3,500.00

Total Cost of work completed	=	\$166,400.00
PARTIAL PAYMENT #1	=	\$13,965.00
PARTIAL PAYMENT #2	=	\$33,250.00
PARTIAL PAYMENT #3	=	\$30,145.87
PARTIAL PAYMENT #4	=	\$74,164.12
PARTIAL PAYMENT #5	=	\$2,850.00
FINAL PAYMENT	=	\$12,025.01

RECOMMENDED BY:



 Borough Engineer

3-4-13

 Date

ATTACHMENT 3

APPLICATION FOR PAYMENT

CAP702
Page: 1 of 2

To:
Borough of New Providence
360 Elkwood Avenue
Engineering Department
Borough of New Providence, NJ 07974

PROJECT:
1-01A
Municipal Building
Generator Project
Alternate A

From Contractor:
TSUJ CORPORATION
PO Box 4621
Wayne, NJ 07474

VIA ARCHITECT:
Maser Consulting P.A.
200 Valley Road, Suite 306
Mt. Arlington, NJ 07856

Application No.: Application Date: Period To: Contract Date:
6 JAN 12, 2013 JAN 12, 2013 SEP 29, 2011

Project Nos:

Distribution List: Owner Construction Mgr
 Architect Field
 Contractor Other

CONTRACT FOR: Municipal Building Generator Project. Alternate A

Contractor's Application for Payment

Application is made for payment as shown below, with attached Continuation Sheet.

1. Original Contract Amount: \$ 166,400.00
2. Net of Change Orders: \$ 0.00
3. Net Amount of Contract: \$ 166,400.00
4. Total Completed & Stored to Date: \$ 166,400.00

5. Retainage Summary:

- a. 5.00 % of Completed Work \$ 8,320.01
 - b. 5.00 % of Stored Material \$ 0.00
- Total Retainage: \$ 8,320.01

6. Total Completed Less Retainage: \$ 158,079.99
7. Less Previous Applications: \$ 154,374.99

8. Current Payment Due, This Application: \$ 3,705.00

9. Contract Balance (Including Retainage): \$ 8,320.01

CHANGE ORDER Activity	Additions	Subtractions
Total previously approved:	0.00	0.00
Total approved this Month:	0.00	0.00
Sub Totals:	0.00	0.00
NET of Change Orders:	0.00	0.00

CONTRACTOR'S CERTIFICATION:

The Contractor's signature here certifies that, to the best of their knowledge, this document accurately reflects the work completed in this Application for Payment. The Contractor also certifies that all payments have been made for work on previous Applications for Payment and also that the Current Payment is Due.

(Authorizing Signature)

[Signature]
TSUJ CORPORATION

Date: JAN 12, 2013

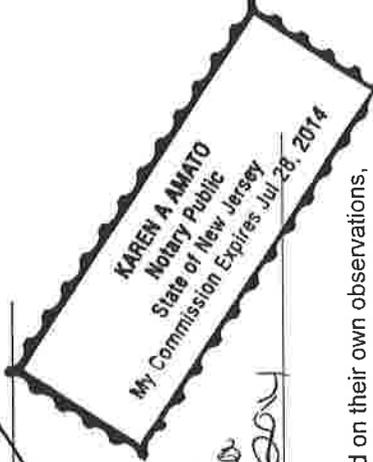
State Authorized: New Jersey

County of: Passaic

Subscribed and sworn to before me this 12 day of February 2013

Notary Public: *[Signature]*

My Commission expires: July 28, 2014



ARCHITECT'S CERTIFICATION:

The Architect's signature here certifies that, based on their own observations, the Contract Documents and the information contained herein, this document accurately reflects the work completed in this Application for Payment. The Architect also certifies the Contractor is entitled to the amount certified for payment.

AMOUNT CERTIFIED:

Date:

(Architect's Signature)

APPLICATION FOR PAYMENT - CONTINUATION SHEET

CAP703

Page 2 of 2 Pages

From: TSUJ CORPORATION
 POBox 4621
 Wayne, NJ 07474
To: Borough of New Providence
 360 Elkwood Avenue
 Engineering department
 Borough of New Providence, NJ 07974
Project: 1-01A
 Municipal Building
 Generator Project
 Alternate A
Application No: 6
Application Date: 1/12/2013
Period To: 1/12/2013
Contract Date: 9/29/2011
Architects Project#:

A Item No	B Description of Work	C Contract Value	E Work Completed		F Materials Presently Stored (Not In D or E)	G Total Completed and Stored To Date (D+E+F)	H Balance To Finish (C - G)	I Retainage (If Variable Rate)
			D From Previous Application (D + E)	This Period				
1	Mobilisation	9,900.00	9,900.00	0.00	0.00	9,900.00	0.00	495.00
2	Clearing site	5,000.00	5,000.00	0.00	0.00	5,000.00	0.00	250.00
3	Construction Layout	3,000.00	3,000.00	0.00	0.00	3,000.00	0.00	150.00
4	300KW GenSet Included:	140,000.00	7,200.00	0.00	0.00	7,200.00	0.00	360.00
	Shop Drawings	7,500.00	7,500.00	0.00	0.00	7,500.00	0.00	375.00
	Bond, Insurance	62,235.00	62,235.00	0.00	0.00	62,235.00	0.00	3,111.75
	Generator material	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00	100.00
	Generator installation	8,500.00	8,500.00	0.00	0.00	8,500.00	0.00	425.00
	Concrete Pad Construction	12,000.00	12,000.00	0.00	0.00	12,000.00	0.00	600.00
	2 ATS Material & Installation	4,500.00	4,500.00	0.00	0.00	4,500.00	0.00	225.00
	Conduit:material & installatio	8,500.00	8,500.00	0.00	0.00	8,500.00	0.00	425.00
	Electrical Equipm.Installation	20,665.00	20,665.00	0.00	0.00	20,665.00	0.00	1,033.26
	Wires:material & installation	3,000.00	3,000.00	0.00	0.00	3,000.00	0.00	150.00
	Reconnection & start up.	1,000.00	0.00	1,000.00	0.00	1,000.00	0.00	50.00
	Existing Generator Removal	1,900.00	0.00	1,900.00	0.00	1,900.00	0.00	95.00
	Punch List	1,000.00	0.00	1,000.00	0.00	1,000.00	0.00	50.00
	Project Cliseout	5,000.00	5,000.00	0.00	0.00	5,000.00	0.00	250.00
	Utility & Permit coordination	2,500.00	0.00	2,500.00	0.00	2,500.00	0.00	125.00
	Topsoiling 4" thick as direct	2,500.00	0.00	2,500.00	0.00	2,500.00	0.00	125.00
	Fertilizing & Seeding, Type A-3	2,000.00	0.00	2,000.00	0.00	2,000.00	0.00	100.00
	Straw Mulching as directed	3,500.00	3,500.00	0.00	0.00	3,500.00	0.00	175.00
	Change order # 1 costum paint	(-) 7,000.00-	0.00	(-) 7,000.00-	0.00	(-) 7,000.00-	0.00	(-) 350.00-
	Change order#2 to deduct 6,7,8 DEDUCT	166,400.00	162,500.00	3,900.00	0.00	166,400.00	0.00	8,320.01

To be
 Deducted
 5
 6
 7
 8
 9
 10

Software by: PEM Software Systems, Inc. 1-800-803-1315 Copyright 2007 ©
 Application # 7
 3/1/13
 See Application # 8

ATTACHMENT 4

APPLICATION FOR PAYMENT

CAP702
Page: 1 of 2

To:
Borough of New Providence
360 Elkwood Avenue
Engineering department
Borough of New Providence, NJ 07974

PROJECT:

1-01A
Municipal Building
Generator Project
Alternate A

From Contractor:

TSUJ CORPORATION
PO Box 4621
Wayne, NJ 07474

VIA ARCHITECT:

Maser Consulting P.A.
200 Valley Road, Suite 306
Mt. Arlington, NJ 07856

CONTRACT FOR: Municipal Building Generator Project. Alternate A

Application No.: Application Date: Period To: Contract Date:
7 JAN 12, 2013 JAN 12, 2013 SEP 29, 2011

Project Nos:

Distribution List: Owner Construction Mgr
 Architect Field
 Contractor Other

Contractor's Application for Payment

Application is made for payment as shown below, with attached Continuation Sheet.

1. Original Contract Amount: \$ 166,400.00
2. Net of Change Orders: \$ 0.00
3. Net Amount of Contract: \$ 166,400.00
4. Total Completed & Stored to Date: \$ 166,400.00

5. Retainage Summary:

- a. 5.00 % of Completed Work \$ 0.00
 - b. 5.00 % of Stored Material \$ 0.00
- Total Retainage: \$ 0.00

6. Total Completed Less Retainage: \$ 166,400.00
7. Less Previous Applications: \$ 158,079.99

8. Current Payment Due, This Application: \$ 8,320.01

9. Contract Balance (Including Retainage): \$ 0.00

CHANGE ORDER Activity	Additions	Subtractions
Total previously approved:	0.00	0.00
Total approved this Month:	0.00	0.00
Sub Totals:	0.00	0.00
NET of Change Orders:	0.00	0.00

CONTRACTOR'S CERTIFICATION:

The Contractor's signature here certifies that, to the best of their knowledge, this document accurately reflects the work completed in this Application for Payment. The Contractor also certifies that all payments have been made for work on previous Applications for Payment and also that the Current Payment is Due.

(Authorizing Signature)

[Signature]
TSUJ CORPORATION

Date: JAN 12, 2013

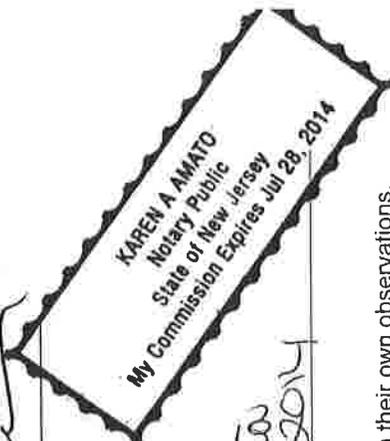
State Authorized: New Jersey

County of: D.S.S.A.C

Subscribed and sworn to before me this 12 day of January

Notary Public: [Signature]

My Commission expires: 2018 2014



ARCHITECT'S CERTIFICATION:

The Architect's signature here certifies that, based on their own observations, the Contract Documents and the information contained herein, this document accurately reflects the work completed in this Application for Payment. The Architect also certifies the Contractor is entitled to the amount certified for payment.

AMOUNT CERTIFIED:

Date:

(Architects Signature)

APPLICATION FOR PAYMENT - CONTINUATION SHEET

From:
 TSUJ CORPORATION
 POBox 4621
 Wayne, NJ 07474

To:
 Borough of New Providence
 360 Elkwood Avenue
 Engineering department
 Borough of New Providence, NJ 07974

Project:
 1-01A
 Municipal Building
 Generator Project
 Alternate A

Application No: 7
 Application Date: 1/12/2013
 Period To: 1/12/2013
 Contract Date: 9/29/2011
 Architects Project#:

A Item No	B Description of Work	C Contract Value	D Work Completed		E This Period	F Materials Presently Stored (Not In D or E)	G Total Completed and Stored To Date (D+E+F)	% (G/C)	H Balance To Finish (C-G)	I Retainage (If Variable Rate)
			From Previous Application (D+E)							
1	Mobilisation	9,900.00	9,900.00		0.00	0.00	9,900.00	100	0.00	0.00
2	Clearing site	5,000.00	5,000.00		0.00	0.00	5,000.00	100	0.00	0.00
3	Construction Layout	3,000.00	3,000.00		0.00	0.00	3,000.00	100	0.00	0.00
4	300KW GenSet Included:	7,200.00								
-	Shop Drawings	7,200.00	7,200.00		0.00	0.00	7,200.00	100	0.00	0.00
	Bond, Insurance	7,500.00	7,500.00		0.00	0.00	7,500.00	100	0.00	0.00
	Generator material	62,235.00	62,235.00		0.00	0.00	62,235.00	100	0.00	0.00
	Generator installation	2,000.00	2,000.00		0.00	0.00	2,000.00	100	0.00	0.00
	Concrete Pad Construction	8,500.00	8,500.00		0.00	0.00	8,500.00	100	0.00	0.00
	2 ATS Material & Installation	12,000.00	12,000.00		0.00	0.00	12,000.00	100	0.00	0.00
	Conduit:material & installatio	4,500.00	4,500.00		0.00	0.00	4,500.00	100	0.00	0.00
	Electrical Equipm.Installation	8,500.00	8,500.00		0.00	0.00	8,500.00	100	0.00	0.00
	Wires:material & installation	20,665.00	20,665.00		0.00	0.00	20,665.00	100	0.00	0.00
	Reconnection & start up.	3,000.00	3,000.00		0.00	0.00	3,000.00	100	0.00	0.00
	Ehising Generator Removal	1,000.00	1,000.00		0.00	0.00	1,000.00	100	0.00	0.00
	Punch List	1,900.00	1,900.00		0.00	0.00	1,900.00	100	0.00	0.00
	Project Cliseout	1,000.00	1,000.00		0.00	0.00	1,000.00	100	0.00	0.00
	Utility & Permit coordination	5,000.00	5,000.00		0.00	0.00	5,000.00	100	0.00	0.00
	Topsoulling 4" thick as direct	2,500.00	2,500.00		0.00	0.00	2,500.00	100	0.00	0.00
	Fertilizing & Seeding, Type A-3	2,500.00	2,500.00		0.00	0.00	2,500.00	100	0.00	0.00
	Straw Mulching as directed	2,000.00	2,000.00		0.00	0.00	2,000.00	100	0.00	0.00
	Change order # 1 costum paint	3,500.00	3,500.00		0.00	0.00	3,500.00	100	0.00	0.00
	Change order#2 to deduct 6,7,8	7,000.00-	7,000.00-		0.00	0.00	7,000.00-	100	0.00	0.00
		166,400.00	166,400.00		0.00	0.00	✓ 166,400.00	100	0.00	0.00

gmo
 3/1/13

ATTACHMENT 5

Project Change Order
The Borough of New Providence

Final

Date: 2-14-13

Project: Municipal Building Generator

Contractor: TSUJ Corporation
P.O. Box 4621
Wayne, NJ 07474

The following changes are authorized to this contract:

A Itemized Changes

Item	Purpose			Amount [Add; (deduct)]	
CHANGE ORDER #1					
CO1	Custom Paint Color	1	LS	\$3,500.00	\$ 3,500.00
DEDUCT CHANGE ORDER #4					
6	Topsoiling, 4" Thick	50	LS	\$50.00	\$ (2,500.00)
7	Fertilizing and Seeding, Type A-3	50	LS	\$50.00	\$ (2,500.00)
8	Straw Mulching	40	SY	\$50.00	\$ (2,000.00)

B	Net change to contract:	\$ (3,500.00)
C	Original contract sum:	\$169,900.00
D	20% of original contract sum =	\$ 33,980.00
E	Total of all previous change orders:	\$ -
F	Total of all C.O.s (NOT TO EXCEED LINE D)	\$ (3,500.00)
G	New contract total:	\$166,400.00

Recommended by:

Signed: 
Department Head

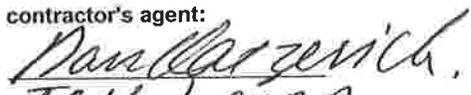
Date: 2-25-13

Authorized by:

Signed: _____
Borough Administrator

Date: _____

Accepted by contractor's agent:

Signed: 

Firm: TSUJ CORP

Date: 2.15.2013

Approved by Council Resolution:

Date: _____

Certified: _____
Borough Clerk

ATTACHMENT 6

MAINTENANCE BOND
Bond Number 3403MB

The undersigned declare that we, **TSUJ CORPORATION**, as Principal and **Bondex Insurance Company**, as Surety are held and firmly bound unto **Borough Of New Providence**, as Owner, in the sum of **SIXTEEN THOUSAND SIX HUNDRED FORTY AND 00/100---Dollars (\$16,640.00)** to be paid to the said obligee only, to which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors.

The condition of this obligation is such that, whereas, the Principal did on the **8th day of September, 2011** enter into a Contract with the Owner for the construction of **Municipal Building Generator Project** which said contract is made part of the bond as though set herein; and the same contract was completed and accepted on **1/31/2013**.

Now, if the said Principal shall remedy without cost to the Owner any defects which may develop during a period of **two (2) year (s)** from the date of completion and acceptance of the work performed under the contract, provided such defects, according to reasonable construction and engineering standards, are the result of defective or inferior materials or workmanship, then this obligation shall be void, otherwise, it shall be and remain in full force and effect. The Surety hereby stipulates and agrees that no modifications, deletions or additions in or to the terms of said contract, drawings or specifications therefore shall in no way affect its obligation on this bond.

Surety shall have no liability under this bond unless all premiums (initial and renewed, if any) shall be paid to the Surety. The Surety shall notify the owners in writing in the event any premium is not paid, and this bond shall be deemed canceled three (3) days after such notice to the owner.

IN WITNESS WHEREOF, the Principal and Surety have duly executed this bond under seal this **1/31/2013**.

ATTEST:

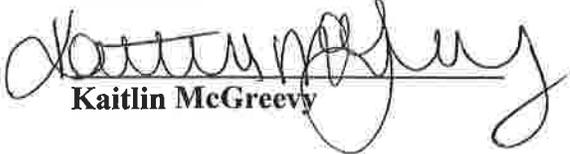


TSUJ CORPORATION



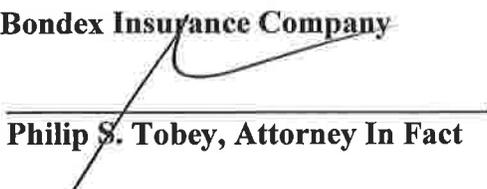
**Address: 48 Brush Hill Road
Butler, NJ 07405**

ATTEST:



Kaitlin McGreevy

Bondex Insurance Company



Philip S. Tobey, Attorney In Fact

**CONSENT OF
SURETY COMPANY
TO FINAL PAYMENT**
AIA DOCUMENT G707

OWNER
ARCHITECT
CONTRACTOR
SURETY
OTHER

PROJECT: Municipal Building Generator Project

TO (OWNER)
Borough Of New Providence
360 Elkwood Avenue

New Providence, NJ 07974

ARCHITECT'S PROJECT NO:

CONTRACT FOR: Municipal Building Generator Project

CONTRACT DATE: 9/08/2011

CONTRACTOR: TSUJ CORPORATION

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(here insert name and address of Surety Company)

Bondex Insurance Company
30A Vreeland Road ,
Florham Park, NJ 07932

, SURETY COMPANY,

on bond of (here insert name and address of Contractor)

TSUJ CORPORATION
48 Brush Hill Road
Butler, NJ 07405

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve
the Surety Company of any of its obligations to (here insert name and address of Owner)

Borough Of New Providence
360 Elkwood Avenue
New Providence, NJ 07974

, OWNER,

as set forth in the said Surety Company's bond number : 3403MB

IN WITNESS WHEREOF,
the Surety Company has hereunto set its hand on: January 31, 2013

Bondex Insurance Company
Surety Company

Signature of Authorized Representative
Philip S. Tobey , Attorney-In-Fact

(Seal)



Attest: Kaitlin McGreevy

NOTE: This form is to be used as a companion document to AIA DOCUMENT G706 CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS, Current Edition.

Bondex Insurance Company
40A Wreeland Road, Florham Park, New Jersey 07932

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That **Bondex Insurance Company**, a corporation duly organized under the laws of the State of New Jersey, and having a principal office in Florham Park, County of Morris, State of New Jersey, does hereby appoint:

Philip S. Tobey, Lioael D. Jorge, Jeffrey R. Bauman and Megan Bauer

its true and lawful Attorney(s)-in Fact, with full power and authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an Amount not to exceed \$ 263,550.00

This Power Of Attorney shall expire without further action on March 31, 2013.

This Power Of Attorney is granted and is signed and sealed by the authority of the following Resolution adopted by the Board of Directors of Bondex Insurance Company at a meeting duly called and held on the 10th day of January 2012.

**RESOLVED that the Chief Executive Officer, President or a Vice President, Secretary or Assistant Secretary, shall have the power and authority*

- 1. To appoint Attorney(s)-in-Fact and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writing obligatory in the nature thereof and.*
- 2. To remove, at any time, any such Attorney-In-Fact and revoke any authority given.*

"RESOLVED FURTHER, that the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached as though manually affixed"

IN WITNESS WHEREOF, Bondex Insurance Company has caused its seal to be affixed hereto and executed by its President on the 10th day of January 2012.

Bondex Insurance Company

By: 
Philip S. Tobey, President

State of New Jersey
County of Morris ss.

On this 10th day of January 2012, before me, a notary public, personally appeared Philip S. Tobey, personally known to me, who being duly sworn did say that he is the President of Bondex Insurance Company, the Corporation described in the foregoing instrument, and that the Seal affixed to said instrument is the said Corporate Seal and that he executed the same in his authorized capacity, and that said instrument was signed and sealed on behalf of said Corporation by authority of its Board of Directors.

In Testimony Whereof I have set my hand and affixed my official Seal, the day and year first written above.

CLAUDIA MARTINS PEREIRA
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 4/4/2013


Notary Public

I, Maureen Cupo, Secretary of Bondex Insurance Company, do hereby certify that the Power of Attorney and the resolution adopted by the Board of Directors of said company as set forth above, are true and correct transcripts thereof and that neither the said Power of Attorney nor the resolution have been revoked and they are now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of January, 2013

Bondex Insurance Company


Maureen Cupo, Secretary

Bond No. 3403MB

ATTACHMENT 7

AFFIDAVIT

STATE OF NEW JERSEY :
COUNTY OF Bergen : SS

I, Dan Katzevich, being duly sworn, according to law, on his oath say that I am President, of the firm of **TSUJ Corporation**, which entered into contract with the Borough of New Providence, County of Union, **September 23, 2011** and entitled

Municipal Building Generator

Deponent further swears that he has paid in full at the prevailing rate, and in accordance with the specifications and contract obligations on claims for all labor supplied in the performance of the contract and that he has paid or provided for the payment of all claims for materials and equipment used in the performance of the contract work and has paid all applicable taxes, including among others, Social Security Insurance, sales and use taxes, applicable thereto, and owes no one for any labor or materials in connection with the performance of said work or any of the said taxes nor have any claims been made against the said contractor for any unpaid material or labor.

This Affidavit is made for the purpose of inducing the Borough of New Providence, Union County, State of New Jersey, to make final payment relying upon the truth of the statement contained herein.

TSUJ CORP.
Name of Firm

Dan Katzevich
Signature

DAN KATZEVICH
Typed or Printed Name

Sworn and Subscribed to
before me this 18 day
of February, 2013

Philasia Luo



ATTACHMENT 8

RELEASE

KNOW ALL MEN BY THESE PRESENTS: THAT

TSUJ Corporation, hereinafter known as the Releasor, for and in consideration of the sum of **\$166,400.00** dollars lawful money of the United States of America, to the Releasor in hand paid by the Borough of New Providence in the County of Union, a Municipal Corporation hereinafter designated as the Releasee, the receipt whereof is acknowledged, has remised, released, and forever discharged, and by these Presents does remise, release, and forever discharge the said Releasee of and from all debts, obligations, reckonings, promises, covenants, agreements, contracts, endorsements, bonds, specialties, controversies, suits, actions, causes of actions, trespasses, variances, judgements, extents, executions, damages, claims or demands, in law or in equity, which against the said Releasee, the Releasor ever had, now has or hereinafter can, shall, or may have, for upon or by reason of any matter, cause or think, whatsoever, from the beginning of the world to the day of date of these Presents.

More particularly, this release is given and accepted with specific reference to all matters of whatsoever kind and character in any undertaking whatsoever relating to or arising out of the work of construction under a contract dated **September 23, 2011** between the Borough of New Providence, in the County of Union, as party of the first part, and **TSUJ Corporation**, as contractor pursuant to plans and specifications for **Municipal Building Generator**.

